



RESPONSE

I. Restriction Requirement

The Examiner states "(t)he pending claims 1, 3, and 5-8 comprise 16 inventions, each of which is drawn to a different nucleic acid molecule encoding an amino acid sequence" (the Requirement at page 2), but does not formally place the pending claims into separate restriction groups. Applicants therefore presume that the original claims are directed to separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1, 7 and 8, drawn to SEQ ID NO:9;
- Group II: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:2;
- Group III: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:4;
- Group IV: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:6;
- Group V: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:8;
- Group VI: Claims 3 (in part) and 5, drawn to a nucleotide sequence encoding SEQ ID NO:12;
- Group VII: Claims 3 (in part) and 6, drawn to a nucleotide sequence encoding SEQ ID NO:14;
- Group VIII: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:16;
- Group IX: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:18;
- Group X: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:20;
- Group XI: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:22;
- Group XII: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:24;
- Group XIII: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:26;
- Group XIV: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:28;
- Group XV: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:30;
and
- Group XVI: Claim 3 (in part), drawn to a nucleotide sequence encoding SEQ ID NO:32.

II. Response to Restriction Requirement

In response to the Restriction Requirement as set forth by the Examiner, Applicants hereby elect without traverse to prosecute the claims drawn to SEQ ID NO:9, or, based on the Restriction Groups as set forth by Applicants above, the claims of the Group I invention (claims 1, 7 and 8). Accordingly, claims 3, 5 and 6 have been cancelled herein without prejudice and without disclaimer, as drawn to non-elected inventions.

Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

III. Status of the Claims

Claims 3, 5 and 6 have been cancelled without prejudice and without disclaimer as drawn to non-elected inventions. No claims of the Group I invention have been cancelled. No claims of the Group I invention have been amended. No new claims have been added.

Claims 1, 7 and 8 are therefore presently pending in the case.

IV. Conclusion

The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Li have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

March 10, 2005

Date



David W. Hibler
Agent for Applicants

Reg. No. 41,071

LEXICON GENETICS INCORPORATED
(281) 863-3399
Customer # 24231